

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-298243

Date Filed

6/23/2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Longy School of Music of Bard College		b. Tel. No. (617) 226-3136
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 27 Garden St MA Cambridge 02138	e. Employer Representative Kate Beattie Esq.	g. e-mail kbeatie@foley.com
		h. Number of workers employed 175
i. Type of Establishment (factory, mine, wholesaler, etc.) Schools	j. Identify principal product or service Education	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

Longy Faculty Union, Local 6484, AFTMA, AFT, AFL-CIO

4a. Address (Street and number, city, state, and ZIP code)

Longy Faculty Union (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

4e. e-mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.

Tel. No.

(617) 285-3709

Office, if any, Cell No.

(617) 285-3709

Fax No.

e-mail

hnmorris@aftma.net

Haidee Morris

Haidee Morris
General Counsel

(signature of representative or person making charge)

(Print/type name and title or office, if any)

38 Chauncy St., Ste 402

Address Boston MA 02111

Date 06/23/2022 02:08:28 PM

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees.

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
Changed anti discrimination policy	05/04/2022

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
05/07/2022	(b) (6), (b) (7)(C)	Individuals disciplined under policy change	05/23/2022



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 34
A.A. Ribicoff Federal Building
450 Main Street, Suite 410
Hartford, CT 06103-3078

Agency Website: www.nlr.gov
Telephone: (860) 240-3522
Fax: (860) 240-3564



Download
NLRB
Mobile App

June 27, 2022

(b) (6), (b) (7)(C)

LONGY FACULTY UNION LOCAL 6484, AFTMA
AMERICAN FEDERATION OF TEACHERS, AFL-CIO
LONGY FACULTY UNION

(b) (6), (b) (7)(C)

Re: LONGY SCHOOL OF MUSIC OF BARD
COLLEGE
Case 01-CA-298243

Dear (b) (6), (b) (7)(C)

The charge that you filed in this case on June 23, 2022 has been docketed as case number 01-CA-298243. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CHARLOTTE DAVIS whose telephone number is (959) 200-7365. If this Board agent is not available, you may contact Supervisory Attorney THOMAS E. QUIGLEY whose telephone number is (959) 200-7376.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present

your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

June 27, 2022

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Laura Sacks", written in a cursive style.

LAURA A. SACKS
Regional Director

LAS/rg

cc: HAIDEE MORRIS, GENERAL COUNSEL
AMERICAN FEDERATION OF TEACHERS, MASSACHUSETTS
38 CHAUNCY STREET, SUITE 402
BOSTON, MA 02111

[Federal Mediation and Conciliation
Services](#)

NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR BAD FAITH BARGAINING ALLEGATIONS

Under the National Labor Relations Act, both the employer and union have a number of obligations under the law, including the duty to bargain in good faith.

We encourage you to take advantage of the following resources from the Federal Mediation and Conciliation Service (FMCS) (www.fmcs.gov). FMCS is a non-regulatory, independent federal agency, separate from the National Labor Relations Board (NLRB), whose mission is to preserve and promote labor-management peace and cooperation. FMCS services include:

- Mediation, if you need assistance and support with your contract negotiations (available at <https://www.fmcs.gov/services/resolving-labor-management-disputes/collectivebargaining-mediation/>);
- Skills development training for collective-bargaining negotiation, committee effectiveness, and conflict resolution (available at <https://www.fmcs.gov/services/education-andoutreach/skills-development-training/>);
- Education on contract administration (available at <https://www.fmcs.gov/services/buildinglabor-management-relationships/>).

Education on contract administration (available at FMCS is a Congressionally funded agency offering support to both unions and employers at workplaces and these FMCS services and resources are provided **at no cost**. FMCS services are customized to the specific needs of employer and union leadership groups and FMCS is available to assist with next steps and/or answer questions that come up throughout a collective-bargaining agreement negotiation process, as well as for future stages of a labor-management relationship.).

For more information on the full range of FMCS services and how these services can be helpful throughout various stages of the collective bargaining process, see OM 22-08. To discuss the specific needs of your group, please reach out to an FMCS mediator (<https://www.fmcs.gov/aboutus/locations/find-a-mediator/>) or by phone at (202) 606-8100.



UNITED STATES GOVERNMENT
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Hartford, CT 06103-3078

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Telephone: (860) 240-3522
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Download
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Mobile App

June 27, 2022

KATE BEATTIE, ESQ.
LONGY SCHOOL OF MUSIC OF BARD COLLEGE
27 GARDEN STREET
CAMBRIDGE, MA 02138

Re: LONGY SCHOOL OF MUSIC OF BARD
COLLEGE
Case 01-CA-298243

Dear Ms. Beattie:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CHARLOTTE DAVIS whose telephone number is (959)200-7365. If this Board agent is not available, you may contact Supervisory Attorney THOMAS E. QUIGLEY whose telephone number is (959)200-7376.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

June 27, 2022

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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June 27, 2022

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



LAURA A. SACKS
Regional Director

LAS/rg

Enclosures

1. Copy of Charge
2. Commerce Questionnaire
3. Notice of Federal Mediation and Conciliation Services for Bad Faith Bargaining Allegations

cc: [Federal Mediation and Conciliation Services](#)

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 01-CA-298243
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
--	--

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**LONGY SCHOOL OF MUSIC OF BARD
COLLEGE**

Charged Party

and

**LONGY FACULTY UNION LOCAL 6484,
AFTMA, AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

Charging Party

Case 01-CA-298243

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 27, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

KATE BEATTIE, ESQ.
LONGY SCHOOL OF MUSIC
OF BARD COLLEGE
27 GARDEN STREET
CAMBRIDGE, MA 02138

June 27, 2022

Date

Robert Gaffney
Designated Agent of NLRB

Name

/s/ Robert Gaffney

Signature

NOTICE OF FEDERAL MEDIATION AND CONCILIATION SERVICES FOR BAD FAITH BARGAINING ALLEGATIONS

Under the National Labor Relations Act, both the employer and union have a number of obligations under the law, including the duty to bargain in good faith.

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- Mediation, if you need assistance and support with your contract negotiations (available at <https://www.fmcs.gov/services/resolving-labor-management-disputes/collectivebargaining-mediation/>);
- Skills development training for collective-bargaining negotiation, committee effectiveness, and conflict resolution (available at <https://www.fmcs.gov/services/education-andoutreach/skills-development-training/>);
- Education on contract administration (available at <https://www.fmcs.gov/services/buildinglabor-management-relationships/>).

Education on contract administration (available at FMCS is a Congressionally funded agency offering support to both unions and employers at workplaces and these FMCS services and resources are provided **at no cost**. FMCS services are customized to the specific needs of employer and union leadership groups and FMCS is available to assist with next steps and/or answer questions that come up throughout a collective-bargaining agreement negotiation process, as well as for future stages of a labor-management relationship.).

For more information on the full range of FMCS services and how these services can be helpful throughout various stages of the collective bargaining process, see OM 22-08. To discuss the specific needs of your group, please reach out to an FMCS mediator (<https://www.fmcs.gov/aboutus/locations/find-a-mediator/>) or by phone at (202) 606-8100.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Longy School of Music of Bard College,
Respondent

and

Longy Faculty Union
Charging Party

CASE 01-CA-298243

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Longy School of Music of Bard College

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Sara J. Higgins
MAILING ADDRESS: Foley & Lardner LLP, 111 Huntington Ave - Suite 2500, Boston, MA 02199
E-MAIL ADDRESS: shiggins@foley.com
OFFICE TELEPHONE NUMBER: 617.226.3161
CELL PHONE NUMBER: _____ FAX: 617.342.4001
SIGNATURE: /s/ Sara J. Higgins
(Please sign in ink.)
DATE: 7/15/22

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Longy School of Music of Bard College,
Respondent

and

Longy Faculty Union
Charging Party

CASE 01-CA-298243

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Longy School of Music of Bard College

IN THE ABOVE-CAPTIONED MATTER.

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(REPRESENTATIVE INFORMATION)

NAME: Katharine O. Beattie
MAILING ADDRESS: Foley & Lardner LLP, 111 Huntington Ave - Suite 2500, Boston, MA 02199
E-MAIL ADDRESS: kbeattie@foley.com
OFFICE TELEPHONE NUMBER: 617.226.3136
CELL PHONE NUMBER: _____ FAX: 617.342.4001
SIGNATURE: /s/ Katharine O. Beattie
(Please sign in ink.)
DATE: 7/15/22

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NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

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Respondent

and

Longy Faculty Union
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CASE 01-CA-298243

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

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(REPRESENTATIVE INFORMATION)

NAME: Donald W. Schroeder
MAILING ADDRESS: Foley & Lardner LLP, 111 Huntington Ave - Suite 2500, Boston, MA 02199
E-MAIL ADDRESS: dschroeder@foley.com
OFFICE TELEPHONE NUMBER: 617.342.4041
CELL PHONE NUMBER: _____ FAX: 617.342.4001
SIGNATURE: /s/ Donald W. Schroeder
(Please sign in ink.)
DATE: 7/15/22

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BEFORE THE NATIONAL LABOR RELATIONS BOARD
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COLLEGE**

and

**LONGY FACULTY UNION LOCAL 6484,
AFTMA, AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

Case 01-CA-298243

**AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING
(with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **January 18, 2023**, I served the above-entitled document(s) by **electronic mail**, as noted below, upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Longy School Of Music of Bard College
27 Garden St
Cambridge, MA 02138

Email: **(b) (6), (b) (7)(C)** [@longy.edu](mailto:longy@longy.edu)

Donald W. Schroeder, Attorney
Katharine O. Beattie, Attorney
Sara J. Higgins, Attorney
Foley & Lardner LLP
111 Huntington Avenue, Suite 2500
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(b) (6), (b) (7)(C)

Longy Faculty Union Local 6484, AFTMA,
American Federation of Teachers, AFL-CIO

Longy Faculty Union

(b) (6), (b) (7)(C)

Email: **(b) (6), (b) (7)(C)**

Haidee Morris, General Counsel
American Federation of Teachers
Massachusetts
38 Chauncy St., Ste 402
Boston, MA 02111
Email: hmmorris@aftma.net

January 18, 2023

Date

Elizabeth C. Person, Designated Agent of NLRB

Name

Elizabeth C. Person

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 01-CA-298243

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- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

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Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

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- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility

of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

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The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

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- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

**LONGY SCHOOL OF MUSIC OF BARD
COLLEGE**

and

**LONGY FACULTY UNION LOCAL 6484,
AFTMA, AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

Case 01-CA-298243

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Longy Faculty Union Local 6484, AFTMA, American Federation of Teachers, AFL-CIO (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Longy School of Music of Bard College (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on June 23, 2022, and a copy was served on Respondent by regular U.S. mail on June 27, 2022.
2. At all material times, Respondent has been a private non-profit educational institution with an office and place of business in Cambridge, Massachusetts (its facility), where it has been engaged in the business of operating a degree-granting Conservatory of Music.
3. Annually, Respondent derives gross revenue in excess of \$1 million and purchases and receives at its facility goods valued in excess of \$5,000 directly from points located outside the Commonwealth of Massachusetts.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, (b) (6), (b) (7)(C) held the position of (b) (6), (b) (7)(C) and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

7. The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All faculty currently teaching, and who have a weekly average of at least three benefit units in one of the last two fiscal years, excluding all other employees, visiting faculty, administrators, confidential employees, office clerical employees, managers, guards, and supervisors as defined in the Act.

8. On February 1, 2010, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

9. At all times since February 1, 2010, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

10. On multiple occasions since May 7, 2022, the Union has requested orally and in writing that Respondent furnish the Union with documents related to the complaints outlined in Respondent's diversity report, including the names of any employees counseled or who have received written warnings, and any requests to change course schedules or assignments.

11. The information requested by the Union, as described above in paragraph 10, is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

12. Since about May 7, 2022, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraph 10 or has failed and refused to timely inform the Union that the requested information does not exist.

13. At some point in 2022 (exact date unknown), Respondent expanded enforcement of its diversity policy to include “microaggressions.”

14. About May 4, 2022, Respondent informed the Union for the first time of its investigations of microaggressions, including potential investigations of Unit members.

15. The subjects set forth above in paragraphs 13 and 14 relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

16. Respondent engaged in the conduct described above in paragraph 13 without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct or its effects.

17. By the conduct described above in paragraphs 12, 13, and 16, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

18. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, requirements that Respondent:

- (a) electronically distribute the Notice to Employees to all employees who are or have been employed by Respondent since January 1, 2022, by text messaging,

- email, posting on social media websites, and posting on internal apps and intranet websites, if Respondent communicates with its employees by such means; and
- (b) at a mandatory meeting or meetings scheduled to ensure the widest possible attendance, have (b) (6), (b) (7)(C) read both the Notice to Employees and an Explanation of Rights to all employees employed by Respondent on work time in the presence of a Board agent and a representative of the Union, or have a Board agent read the Notice to Employees and an Explanation of Rights to employees employed by Respondent on work time in the presence of a representative of the Union and (b) (6), (b) (7)(C), and that a video recording of the reading of the Notice to Employees and the Explanation of Rights shall be made, with the recording being distributed to employees by electronic means or by mail.

NOTICE IS GIVEN that, while the General Counsel asserts that the refusal to provide information and effects bargaining allegations contained in this Complaint constitute violations of extant Board law, the General Counsel will also be advocating to the Board that it overrule *MV Transportation, Inc.*, 368 NLRB No. 66 (2019), with respect to the decisional bargaining obligation and return to the clear and unmistakable waiver standard to determine whether an employer's unilateral action was permitted.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this**

office on or before February 1, 2023. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on Tuesday, April 18, 2023, at 10:00 a.m. at the Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Suite 1002, Boston, Massachusetts, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding has the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: January 18, 2023



Laura A. Sacks, Regional Director
National Labor Relations Board
Region 01

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 01-CA-298243

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FOLEY & LARDNER LLP

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CLIENT/MATTER NUMBER
113863-0101

January 27, 2023

VIA NLRB PORTAL AND CERTIFIED MAIL

Laura A. Sacks
Regional Director
National Labor Relations Board, Region 01
Thomas P. O'Neill Jr. Federal Building
10 Causeway Street, Suite 1002
Boston, MA 02222

**Re: Longy Faculty Union Local 6484, AFTMA, American Federation of Teachers, AFL-CIO/Longy School of Music of Bard College;
Case 01-CA-298243**

Ms. Sacks:

I represent Longy School of Music of Bard College in the above referenced matter. A hearing has been set before an Administrative Law Judge on the case, which hearing is set to begin at 10:00 a.m. on April 18, 2023.

I will be traveling outside of the country that day. As a result, I respectfully request that the hearing be continued until May 2, 2023, or sometime soon thereafter. I reached out to union counsel about this matter on January 23, 2023 and have not received any response.

Please advise if the requested continuance is agreeable or whether further information is needed. Thank you.

Regards,

Katharine O. Beattie

cc: (b) (6), (b) (7)(C) Longy School of Music of Bard College
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Haidee Morris, General Counsel, American Federation of Teachers, Massachusetts

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TALLAHASSEE
TAMPA
WASHINGTON, D.C.
BRUSSELS
TOKYO

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 1**

LONGY SCHOOL OF MUSIC OF BARD
COLLEGE

AND

LONGY FACULTY UNION LOCAL 6484,
AFTMA, AMERICAN FEDERATION OF
TEACHERS, AFL-CIO

CASE 01-CA-298243

RESPONDENT'S ANSWER TO THE COMPLAINT

Respondent Longy School of Music of Bard College ("Longy" or "Respondent"), by its attorneys and pursuant to §§ 102.20 and 102.21 of the Rules and Regulations of the National Labor Relations Board (the "Board"), hereby answers the Complaint in this proceeding as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. The allegations in Paragraph 4 are conclusions of law to which no responsive pleading is required. To the extent a response is required, the allegations of Paragraph 4 are admitted.
5. The allegations in Paragraph 5 are conclusions of law to which no responsive pleading is required. To the extent a response is required, the allegations of Paragraph 5 are admitted.
6. The allegations in Paragraph 6 are conclusions of law to which no responsive pleading is required. To the extent a response is required, the allegations of Paragraph 6 are admitted.

7. The allegations in Paragraph 7 are conclusions of law to which no responsive pleading is required. To the extent a response is required, the allegations of Paragraph 7 are admitted.

8. Admitted.

9. Admitted.

10. It is admitted that since May 7, 2022, the Union has requested that Respondent produce the names of any bargaining unit members who were disciplined as a result of complaints labeled as “microaggressions.” The remaining allegations in Paragraph 10 are denied.

11. Denied.

12. To the extent that the allegations in Paragraph 12 pertain to the conduct described in Paragraph 10, Respondent incorporates its response to Paragraph 10 above. To the extent a response is required, the allegations of Paragraph 12 are denied.

13. Denied.

14. To the extent that the allegations in Paragraph 14 assume that Respondent expanded enforcement of its diversity policy to include “microaggressions,” such allegations are denied. To the extent that the allegations in Paragraph 14 assume that Respondent has conducted investigations of microaggressions pertaining to any Unit members, such allegations are denied. The remaining allegations in Paragraph 14 are denied.

15. The allegations in Paragraph 15 are conclusions of law to which no responsive pleading is required. To the extent that the allegations in Paragraph 15 pertain to the conduct described in Paragraphs 13 and 14, Respondent incorporates its responses to Paragraphs 13 and 14 above. To the extent a response is required, the allegations in Paragraph 15 are denied.

16. To the extent that the allegations in Paragraph 16 assume that Respondent was obligated to provide prior notice to the Union or afford the Union an opportunity to bargain with Respondent with respect to the conduct described in Paragraph 13, such allegations are conclusions of law to which no responsive pleading is required. To the extent that the allegations in Paragraph 16 pertain to the conduct described in Paragraph 13, Respondent incorporates its response to Paragraph 13 above. To the extent a response is required, the allegations in Paragraph 16 are denied.

17. To the extent that the allegations in Paragraph 17 assume that Respondent was obligated to provide prior notice to the Union or afford the Union an opportunity to bargain with Respondent with respect to the conduct described in Paragraphs 12, 13, and 16, such allegations are conclusions of law to which no responsive pleading is required. To the extent that the remaining allegations pertain to the conduct described in Paragraphs 12, 13, and 16, Respondent incorporates its responses to Paragraphs 12, 13, and 16 above. To the extent a response is required, the allegations of Paragraph 17 are denied.

18. The allegations in Paragraph 18 are conclusions of law to which no responsive pleading is required. To the extent a response is required, the allegations of Paragraph 18 are denied.

AFFIRMATIVE DEFENSES

1. The Complaint and Notice of Hearing fails to state a cause of action upon which relief can be granted.

2. To the extent applicable, the claims are barred by the statute of limitations under Section 10(b) of the National Labor Relations Act.

3. The Complaint and Notice of Hearing fails insofar as any alleged actions and/or statements, to the extent they are found to have occurred and been made by any authorized agent of Respondent, were undertaken for one or more legitimate, nondiscriminatory and non-retaliatory reasons.

4. The Complaint and Notice of Hearing fails insofar as any alleged actions and/or statements, to the extent they are found to have occurred and been made by any authorized agent of Respondent, were not motivated, in whole or in part, by anti-union animus.

5. Respondent reserves the right to assert additional affirmative and/or special defenses.

WHEREFORE, Respondent respectfully requests that the Administrative Law Judge and the National Labor Relations Board dismiss the Complaint in its entirety, grant Respondent its attorneys' fees and costs, and provide such other and further relief deemed just and proper.

Respectfully submitted,

LONGY SCHOOL OF MUSIC OF BARD
COLLEGE

By its attorneys,



Donald W. Schroeder, BBO #646700

Katharine O. Beattie, BBO #666064

Sara J. Higgins, BBO #705453

Foley & Lardner LLP

111 Huntington Avenue

Boston, MA 02199-7610

Tel. (617) 342-4041

Fax (617) 342-4001

dschroeder@foley.com

kbeattie@foley.com

shiggins@foley.com

Dated: January 31, 2023

CERTIFICATE OF SERVICE

I hereby certify that the foregoing answer was served on January 31, 2023 via certified mail upon:

Laura A. Sacks, Regional Director
National Labor Relations Board
Subregion 34
450 Main Street, Suite 410
Hartford, CT 06103

I hereby certify that the foregoing Answer was served on January 31, 2023 via email upon:

Haidee Morris, General Counsel
American Federation of Teachers, Massachusetts
38 Chauncy St., Ste 402
Boston, MA 02111
hmorris@aftma.net

(b) (6), (b) (7)(C)

Longy Faculty Union Local 6484, AFTMA
American Federation of Teachers, AFL-CIO
Longy Faculty Union

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)



Katharine O. Beattie



FOLEY & LARDNER LLP

ATTORNEYS AT LAW

111 HUNTINGTON AVENUE
BOSTON, MASSACHUSETTS 02199
617.342.4000 TEL
617.342.4001 FAX
WWW.FOLEY.COM

WRITER'S DIRECT LINE
617.226.3136
kbeattie@foley.com

CLIENT/MATTER NUMBER
113863-0101

January 31, 2023

VIA NLRB PORTAL AND CERTIFIED MAIL

Laura A. Sacks
Regional Director
National Labor Relations Board, Region 01
Thomas P. O'Neill Jr. Federal Building
10 Causeway Street, Suite 1002
Boston, MA 02222

**Re: Longy Faculty Union Local 6484, AFTMA, American Federation of Teachers, AFL-CIO/Longy School of Music of Bard College;
Case 01-CA-298243**

Ms. Sacks:

I represent Longy School of Music of Bard College in the above referenced matter. A hearing has been set before an Administrative Law Judge on the case, which hearing is set to begin at 10:00 a.m. on April 18, 2023.

As I noted in an earlier correspondence, I will be traveling outside of the country that day. I submitted a letter request for a continuance on January 27, 2023. At the time I submitted this request, I had contacted but not yet received a response from union counsel regarding the continuance. I can now confirm that union counsel will be traveling outside the state and is similarly unavailable on April 18, 2023. As a result, and now with the assent of union counsel, I am respectfully renewing my request that the hearing be continued until May 2, 2023, or sometime soon thereafter.

Please advise if the requested continuance is agreeable or whether further information is needed. Thank you.

Regards,

Katharine O. Beattie

cc: (b) (6), (b) (7)(C) Longy School of Music of Bard College
(b) (6), (b) (7)(C) Longy Faculty Union Local 6484, AFTMA, American Federation of Teachers, AFL-CIO

Haidee Morris, General Counsel, American Federation of Teachers, Massachusetts

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TALLAHASSEE
TAMPA
WASHINGTON, D.C.
BRUSSELS
TOKYO

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

**LONGY SCHOOL OF MUSIC OF BARD
COLLEGE**

and

**LONGY FACULTY UNION LOCAL 6484,
AFTMA, AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

Case 01-CA-298243

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter is rescheduled from Tuesday, April 18, 2023, to **Tuesday, June 6, 2023, at 10 am**, at the Thomas P. O'Neill Jr. Federal Building, 10 Causeway Street, Suite 1002, Boston, Massachusetts. The hearing will continue on consecutive days until concluded.

Dated: February 6, 2023



Laura A. Sacks, Regional Director
National Labor Relations Board
Region 01

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01**

**LONGY SCHOOL OF MUSIC OF BARD
COLLEGE**

and

**LONGY FACULTY UNION LOCAL 6484,
AFTMA, AMERICAN FEDERATION OF
TEACHERS, AFL-CIO**

Case 01-CA-298243

AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **February 6, 2023**, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Longy School Of Music of Bard College
27 Garden St
Cambridge, MA 02138

Email: **(b) (6), (b) (7)(C)** [@longy.edu](mailto: @longy.edu)

Donald W. Schroeder, Attorney
Katharine O. Beattie, Attorney
Sara J. Higgins, Attorney
Foley & Lardner LLP
111 Huntington Avenue, Suite 2500
Boston, MA 02199-7610
Email: dschroeder@foley.com
Email: kbeattie@foley.com
Email: shiggins@foley.com

(b) (6), (b) (7)(C)

Longy Faculty Union Local 6484, AFTMA,
American Federation of Teachers, AFL-CIO
Longy Faculty Union

(b) (6), (b) (7)(C)

Email: **(b) (6), (b) (7)(C)**

Haidee Morris, General Counsel
American Federation of Teachers
Massachusetts
38 Chauncy St., Ste 402
Boston, MA 02111
Email: hmorris@aftma.net

February 6, 2023

Date

Elizabeth C. Person, Designated Agent of NLRB

Name

Elizabeth C. Person

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
LONGY SCHOOL OF MUSIC OF BARD COLLEGE

Case 01-CA-298243

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them where legal notices are typically posted at its facility located at 27 Garden Street, Cambridge, Massachusetts 02138. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING OF NOTICE - The Charged Party will also post a copy of the signed Notices in English, and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet where the Charged Party normally posts notices to its employees and keep it continuously posted there for 60 consecutive days from the date it was originally posted. To document its compliance with this requirement, the Charged Party will submit a screen shot of the intranet or website posting, along with a fully completed Certification of Posting form, via the Agency's e-filing portal at www.nlrb.gov. Should further investigation or verification of the intranet or website posting become necessary, the Charged Party will provide appropriate intranet or website access to the Compliance Assistant or Compliance Officer assigned to the case.

E-MAILING NOTICE - The Charged Party will email a copy of the signed Notice in English, and in additional languages if the Regional Director decides that it is appropriate, to all employees who have work at the Charged Party's facility listed above since January 1, 2022. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 01 of the National Labor Relations Board in Case(s) 01-CA-298243." To document its compliance with this requirement, the Charged Party will e-file a copy of its distribution e-mail, with all of the recipients' e-mail addresses visible, along with a copy of the attached Notice and a fully completed Certification of Posting form, via the Agency's e-filing portal at www.nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

Initials: (b) (6), (b) (7)(C) HM


PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____ No _____
Initials Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director. The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will re-issue the Complaint and Notice of Hearing previously issued on January 18, 2023 in the instant case. Thereafter, the General Counsel may file a Motion for Default Judgment with the Board on the allegations of the Complaint. The Charged Party understands and agrees that all of the allegations of the Complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that the Charged Party may raise before the Board will be whether it defaulted on the terms of this Settlement Agreement. The General Counsel may seek, and the Board may impose, a full remedy for each unfair labor practice identified in the Notice to Employees. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Charged Party agrees that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Party to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Initials: _____ HM _____


Charged Party LONGY SCHOOL OF MUSIC OF BARD COLLEGE		Charging Party LONGY FACULTY UNION LOCAL 6484, AFTMA, AMERICAN FEDERATION OF TEACHERS, AFL-CIO	
By:	Name and Title	Date	
/s/	(b) (6), (b) (7)(C)	5/30/2023	
<hr/> Print Name and Title below (b) (6), (b) (7)(C)		<hr/> Print Name and Title below Haidee Morris, General Counsel	
Recommended By:		Date	
/s/ Andyeliz Papaleo		6/1/2023	
Andyeliz Papaleo			
Field Attorney			
Approved By:		Date	
/s/ Laura A. Sacks		6/1/2023	
LAURA A. SACKS			
Regional Director, Region 1			

Initials: (b) (6), (b) (7)(C) HM _____

(To be printed and posted on official Board notice form)

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT fail or refuse to bargain collectively and in good faith with Longy Faculty Union, AFT-MA, AFL-CIO (the Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All faculty currently teaching, and who have a weekly average of at least three benefit units in one of the last two fiscal years, excluding all other employees, visiting faculty, administrators, confidential employees, office clerical employees, managers, guards, and supervisors as defined in the Act.

WE WILL NOT fail to notify the Union of any changes to our non-discrimination and non-harassment policy.

WE WILL NOT fail or refuse to provide the Union, in a timely manner, with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL, at the Union's request, bargain in good faith with the Union about the effects on your terms and conditions of employment of any changes made to our non-discrimination and non-harassment policy prior to implementing them.

WE WILL provide the Union with the information it requested on various dates since May 7, 2022, related to complaints outlined in our May 2022 "Year-End Report on Diversity, Equity, Inclusion and Belonging" involving unit employees.

**LONGY SCHOOL OF MUSIC OF BARD
COLLEGE**

(Employer)

Dated: _____

By: _____
(Representative) (Title)

Initials: _____

(b) (6), (b) (7)(C)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Callers who are deaf or hard of hearing who wish to speak to an NLRB representative should send an email to relay.service@nlrb.gov. An NLRB representative will email the requestor with instructions on how to schedule a relay service call.

Thomas P. O'Neill Jr. Federal Building
10 Causeway St, Room 1002
Boston, MA 02222-1001

Telephone: (617)565-6700
Hours of Operation: 8:30 a.m. to 5 p.m.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

Initials: _____

(b) (6), (b) (7)(C)

CERTIFICATION OF POSTING

**Re: Longy School of Music of Bard College
Case 01-CA-298243**

Due : June 22, 2023

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

Physical Posting: The signed and dated Notice in the above matter was posted on:

(date) June 12, 2023

at the following locations (list specific places of posting ex. 2nd floor break room bulletin board at 1 Main Street facility):

Wall of second floor hallway at 27 Garden Street, Cambridge, MA 02138 facility (Zabriskie House).

A legible color copy of the signed Notice in all languages provided, displaying full text of the Notice, including the date, signature and title of the responsible official of the Charged Party must be e-filed together with this Certification of Posting.

Intranet/Website Posting: The Settlement Agreement provides that the Charged Party will also post the Notice on its intranet/website for 60 consecutive days. A screenshot of the posting should be sufficient proof of compliance but should further investigation or verification of the intranet or website posting become necessary, the Charged Party will provide the Region with appropriate intranet or website access.

The signed and dated Notice was posted on the Charged Party's intranet/website on:

(date) Not applicable

A screen shot of the intranet/website posting must be e-filed together with this Certification of Posting.

Email Notice: The Settlement Agreement provides that the Charged Party will also distribute the Notices in all languages provided by email to all employees using the method set forth in the Settlement Agreement.

The signed and dated Notice was emailed on:

(date) June 13, 2023

A copy of the distribution e-mail, with all of the recipients' e-mail addresses visible (or a separate sheet detailing the email addresses if the email was sent via a group email address or listserv), along with a copy of the attached Notice, must be e-filed together with this Certification of Posting.

I have completed this Certification of Posting and state under penalty of perjury that it is true and correct.

CHARGED PARTY (b) (6), (b) (7)(C)
Signature: (b) (6), (b) (7)(C)

Printed Name: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Date: 6/15/2023

E-file this form at www.NLRB.gov along with any documentation described above in bold.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

WE WILL NOT interfere with, restrain, or coerce you in the exercise of the above rights.

WE WILL NOT fail or refuse to bargain collectively and in good faith with Longy Faculty Union, AFT-MA, AFL-CIO (the Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit:

All faculty currently teaching, and who have a weekly average of at least three benefit units in one of the last two fiscal years, excluding all other employees, visiting faculty, administrators, confidential employees, office clerical employees, managers, guards, and supervisors as defined in the Act.

WE WILL NOT fail to notify the Union of any changes to our non-discrimination and non-harassment policy.

WE WILL NOT fail or refuse to provide the Union, in a timely manner, with information that is relevant and necessary to its role as your bargaining representative.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE WILL, at the Union's request, bargain in good faith with the Union about the effects on your terms and conditions of employment of any changes made to our non-discrimination and non-harassment policy prior to implementing them.

WE WILL provide the Union with the information it requested on various dates since May 7, 2022, related to complaints outlined in our May 2022 "Year-End Report on Diversity, Equity, Inclusion and Belonging" involving unit employees.

LONGY SCHOOL OF MUSIC OF BARD COLLEGE

(b) (6), (b) (7)(C)

(Employer)

Dated: 6.12.2023

By:

(b) (6), (b) (7)(C)

(Representative)

(Title)

CERTIFICATION OF COMPLIANCE

**Re: Longy School of Music of Bard College
Case 01-CA-298243**

Due : June 29, 2023

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Charged Party has taken to comply.

Provide Information: The Settlement Agreement provides that the Charged Party will provide the Union with the information described in the Settlement Agreement and Notice to Employees.

The Charged Party provided the information which the Settlement Agreement required to be provided on:

(date) June 27, 2023

to:

(name and title) (b) (6), (b) (7)(C)

Bargain in Good Faith: The Settlement Agreement provides that the Charged Party will, upon request, meet and bargain with the Union, about the effects on terms and conditions of employment of any changes made to the non-discrimination and non-harassment policy prior to implementing the changes.

The Union requested bargaining as provided for in the Settlement Agreement on:

(date) 5/25/2023,

The parties agreed to meet and/or met for bargaining on

(dates) As of June 27, 2023, the Employer and Union are working to schedule bargaining dates.

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PA

(b) (6), (b) (7)(C)

Signature:

Printed Name: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Date: 6/27/2023

E-file this form at www.NLRB.gov along with any documentation described above in bold.